

# Order

**Michigan Supreme Court  
Lansing, Michigan**

November 7, 2006

Clifford W. Taylor,  
Chief Justice

ADM File No. 2006-29

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

Proposed Amendment of  
Rule 3.411 of the  
Michigan Court Rules

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On order of the Court, this is to advise that the Court is considering an amendment of Rule 3.411 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will be considered at a public hearing by the Court before a final decision is made. The schedule and agendas for public hearings are posted on the Court's website, [www.courts.michigan.gov/supremecourt](http://www.courts.michigan.gov/supremecourt).

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its current form.

[New language is indicated by underlining and  
deletions are indicated by strikeover.]

Rule 3.411 Civil Action to Determine Interests in Land

(A)-(G)[Unchanged.]

(H) Judgment Binding Only on Parties to Action. Except for title acquired by adverse possession, ~~t~~The judgment determining a claim to title, equitable title, right to possession, or other interests in lands under this rule, determines only the rights and interests of the known and unknown persons who are parties to the action, and of persons claiming through those parties by title accruing after the commencement of the action.

(I) [Unchanged.]

Staff Comment: This proposed amendment would clarify that a judgment determining an interest in land does not apply to claims settled under the principle of adverse possession. Under longstanding Michigan case law, interests in lands acquired by adverse possession are effective against all the world, not just those individuals who are parties to the action. See, for example, *Lawson v Bishop*, 212 Mich 691 (1920), and *Gorte v Dep't of Transp*, 202 Mich App 161 (1993).

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on this proposal may be sent to the Supreme Court Clerk in writing or electronically by March 1, 2007, at P.O. Box 30052, Lansing, MI 48909, or [MSC\\_clerk@courts.mi.gov](mailto:MSC_clerk@courts.mi.gov). All comments will be posted on the Court's website. When filing a comment, please refer to ADM File No. 2006-29.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 7, 2006

A handwritten signature in cursive script that reads "Corbin R. Davis".  
Clerk